IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6180 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.TRIPATHI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : YES

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NADIAD MUNICIPAL PENSIONERS' ASSOCIATION

Versus

STATE OF GUJARAT

Appearance:

MR HM PARIKH for Petitioners

GOVERNMENT PLEADER for Respondent No. 1

MR MC SHAH for Respondent No. 2

DS AFF.NOT FILED (R) for Respondent No. 4

CORAM : MR.JUSTICE R.R.TRIPATHI

Date of decision: 10/05/2000

ORAL JUDGEMENT :

The present petition was filed by the Nadiad Municipal Pensioners' Association for the relief that respondents be directed to implement the resolutions at

Annexrues 'B' and 'C' and immediately pay all the petitioners the arrears of revision of pension with increased DA and interest. The petition was disposed of by an order dated 20.8.1999 with necessary directions to the respondents. The liberty was reserved to the petitioner to revive the same in case of difficulty by filing a simple note.

2. The representation filed by the petitioner to the State Govt. came to be decided in favour of the petitioner, but the Municipality did not give the benefit of that order and hence the petition was ordered to be revived on 22.3.2000. The grievance of the petitioner is that respondents nos.2 and 3 are not fully complying with the Resolution and hence the petitioner members are not getting pension and other allowances as per 4th and 5th Pay commission's recommendations.

2. The Additional Chief Secretary of Urban Development & Urban Housing Department, ACS, UD & UHD has passed an order dated 22.10.1999, a copy of which is placed on record of this case, by which respondents nos.2 and 3 are directed to make payment in terms of that order. The said order mentions that it is passed in compliance of the directions dated 20.8.1999, given by this Court in the present Special Civil Application.

3. Mr.M.C. Shah, the learned advocate for respondents nos.2 and 3 makes a statement that Mr.Ailerkhi, an Auditor of Nadiad Municipality is present before this Court and on his instructions it is stated that respondents nos.2 and 3 will ensure that the order referred to hereinabove is complied with as early as possible. This is not enough, hence it is directed that respondents nos.2 and 3 shall comply with the said order at the earliest, but not later than 30th November 2000.

4. The petition stands allowed. Rule is made absolute accordingly. No order as to costs.

10th May 2000 (Ravi R. Tripathi, J.)

karim*